REMARKS

In the Office Action dated March 11, 2005, claims 1-17 were presented for examination. Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-17 were rejected under 35 U.S.C. §102(e) as being anticipated by *Wright*, U.S. Publication No. 2001/0027449.

The following remarks are provided in support of the pending claims and responsive to the Office Action of March 11, 2005 for the pending application.

In the Office Action of March 11, 2005, the Examiner assigned to the application rejected claims 4 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner noted a concern with antecedent basis for the language "the file". Applicants have amended claims 4 and 5 to clarify the issues raised by the Examiner pertaining to claims 4 and 5. Accordingly, in view of the amendments to claims 4 and 5, Applicants respectfully request that the Examiner remove the rejection under 35 U.S.C. §112, second paragraph.

In the Office Action of March 11, 2005, the Examiner assigned to the application rejected claims 1-17 under 35 U.S.C. §102(e) as being anticipated by *Wright*.

The *Wright* publication '449 discloses a method of charging for access and use of functions in a distributed network, *i.e.* the Internet. More specifically, the *Wright* publication focuses on an "instantaneous" method of billing. As noted in the Summary section, a provider of Internet charging services (IICSP) rates usage after it receives service usage data. See paragraph 0010, lines 1-5. "The rating device 20, associated with the IICSP, prices or values (rates) the service provided to the consumer. . . . [T]he rating device 20 receives and rates each unit within

a relatively short time after consumption." Paragraph 0028, lines 1-6. Independent claims 1 and 10 further support the rating of functions after the performance thereof. For example, in claim 1, lines 4-6, "receiving data relating to the metered usage of the consumed service; rating the metered usage based on the received data." Similarly, in claim 10, lines 9-11, "assessing a rate per measured unit of Internet service consumed by one or more users as the measured units are tallied". Clearly, *Wright* assigns a rate to the measured unit after the consumer has accessed the function.

However, Applicant's invention functions on a different principle than that taught in *Wright*. As noted above, *Wright* assigns a weight to a function after the function has been accessed. Applicants preassign the weight to the function. See page 5, line 28. There is no express or inherent support in *Wright* for preassigning a weight to a function. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). *Wright* does not teach or suggest assigning a weight to a function prior to execution of the function. Therefore, *Wright* fails to teach all of the claim limitation present in Applicants' claimed invention. Accordingly, removal of the rejection of claims 1-17 under 35 U.S.C. §102(e) as being anticipated by *Wright* is respectfully requested.

In light of the foregoing amendments and remarks, all of the claims now presented are in condition for allowance, and Applicants respectfully request that the outstanding rejections by withdrawn and this application be passed to issue.

Respectfully submitted,

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